

THACHER PROFFITT & WOOD LLP
Jesse L. Snyder (JS-7265)
Two World Financial Center
New York, New York 10281
Phone: (212) 912-7400
Fax: (212) 912-7751
jsnyder@tpw.com

-and-

ROSSI & ROSSI
Gregg A. Rossi (#00512224)
(Pro hac vice application filed)
26 Market Street, 8th Floor
Huntington Bank Building
P.O. Box 6045
Youngstown, Ohio 44501
Phone: (330) 744-8695

Counsel for James Hutz, Jr.

Hearing Date and Time: January 17, 2008 at 10:00 a.m.
Objection Deadline: January 11, 2008 at 4:00 p.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x	
In re:	Chapter 11
DELPHI CORPORATION, et al.	Case No. 05-44481 (RDD)
Debtors	(Jointly Administered)
-----x	

CREDITOR, JAMES HUTZ, JR.'S, OBJECTION TO DEBTORS'
DISCOUNT RIGHTS OFFERING PARTICIPATION AMOUNT
REGARDING CLAIM NO. 3139

Now comes Creditor, **JAMES HUTZ, JR.**, by and through
his counsel, ROSSI & ROSSI and THACHER, PROFFITT & WOOD
LLP, and, for his Objection to Debtors' Motion for Order
Pursuant to 11 U.S.C. §§ 105(a) and 502(c) Estimating or

Provisionally Allowing Certain Unreconciled Claims Solely
for Purposes of Administration of Discount Rights Offering
(the "Estimation Motion"), respectfully submits as follows:

Debtors seek to estimate Claim No. 3139 solely for the
purpose of participation in their discount rights offering
as follows:

Date Filed - 4/28/06.

Claim No. - 3139.

Discount Rights Offering Participation - 0.0.

Creditor James Hutz, Jr. objects to the estimated
amount of zero for his claim. The relief requested by the
Debtors in their Estimation Motion is objectionable because
such treatment would usurp the claim objection procedures
already in place in these cases and may result in
inequitable treatment for creditor James Hutz, Jr., as it
makes no provision for allowance of an estimation that is
lower than the eventual amount of an allowed claim.

Creditor James Hutz, Jr. submitted a Proof of Claim in the
amount of \$2,157,683.93. Creditor possesses a claim against
Delphi's employee, Stephanie Gray, for personal injuries
caused by her. Creditor respectfully submits that the
\$2,157,683.93 should be used as a reasonable estimate of
the value of his claim. Creditor has incurred damages,
including but not limited to medical expenses in excess of

\$300,000.00, loss of wages and services in excess of
\$900,000.00, and estimates approximately \$1,000,000.00 in
pain and suffering.

WHEREFORE, Creditor respectfully objects to the use of
zero as suggested by the Debtor.

Dated: January 10, 2008

Respectfully submitted,

THACHER, PROFFITT & WOOD LLP

BY: /s/ Jesse L. Snyder
JESSE L. SNYDER (JS-7265)
Two World Financial Center
New York, New York 10281
Phone: 212/912-7400
Fax: 212/912-7751
jsnyder@tpw.com

-and-

ROSSI & ROSSI

BY: /s/ Gregg A. Rossi
GREGG A. ROSSI (#00512224)
26 Market Street, 8th Floor
P.O. Box 6045
Youngstown, Ohio 44501
Phone: 330/744-8695
Fax: 330/744-0334
garossi@ameritech.net

ATTORNEYS FOR CREDITOR
JAMES HUTZ, JR.

CERTIFICATE OF SERVICE

I, Jesse L. Snyder, certify that on January 10, 2008, a true and correct copy of the *Creditor, James Hutz, Jr.'s Objection to Debtors' Discount Rights Offering Participation Amount Regarding Claim No. 3139* was electronically filed using the Court's CM/ECF filing system, with a hard copy to the Chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, and that true and correct copies of the same were served as follows:

Method of Service/Served Upon:

<u>VIA FED-EX:</u>	Delphi Automotive Systems LLC 5725 Delphi Drive Troy, Michigan 48098 Attention: Legal Staff
	Delphi Corporation 5725 Delphi Drive Troy, Michigan 478098 Attention: General Counsel
	Skadden Arps, Slate, Meagher & Flom LLP Counsel to Debtors 333 West Wacker Drive Suite 2100 Chicago, Illinois 60606 Attention: John Wm. Butler, Jr. and John K. Lyons
	Davis, Polk & Wardwell Counsel for the Agent Under

<p>Dated: New York, New York</p> <p>January 10, 2008</p>	<p>the Postpetition Credit Facility 450 Lexington Avenue New York, New York 10017 Attention: Donald Bernstein and Brian Resnick</p>
	<p>Latham & Watkins LLP 885 Third Avenue New York, New York 10022 Attention: Robert J. Rosenberg and Mark A. Broude</p>
	<p>Fried, Frank, Harris, Shriver & Jacobson LLP One New York Plaza New York, New York 10004 Attention: Bonnie Steingart</p>
	<p>Office of the United States Trustee for the Southern District of New York 33 Whitehall Street Suite 2100 New York, New York 10004 Attention: Alicia M. Leonhard</p>
	<p>THACHER PROFFITT & WOOD LLP</p> <p>By: <u>/s/Jesse L. Snyder</u> Jesse L. Snyder</p> <p>Two World Financial Center New York, New York 10281 Telephone: 212-912-7400</p>